

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES L. ALEXANDER, et al.

Plaintiffs,

DECLARATION

-against-

07-CV-117

THOMAS J. CAHILL, et al.

FJS/GHL

Defendants

Nelson R. Sheingold, on the date noted below and pursuant to §1746 of title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am an Assistant Attorney General and appear in this action on behalf of Andrew Cuomo, Attorney General of the State of New York, the attorney for the Defendant.
2. I make this Declaration in support of defendants' motion for summary judgment.
3. On February 1, 2007, plaintiffs filed the instant action pursuant to 42 U.S.C. § 1983 challenging New York's amended disciplinary rules for attorneys licensed and practicing in the State codified at 22 N.Y.C.R.R. Part 1200.
4. On April 14, 2007, the Hon. Frederick J. Scullin denied defendants' cross-motion to dismiss the Complaint, reserved decision on plaintiffs' motion for a preliminary injunction, and consolidated determination of that motion with trial on the matter.

5. On April 19, 2007, the parties informed the Hon. George H. Lowe that all parties agreed that this action was amenable to cross-motions for summary judgment and that they believed that the material facts could be stipulated to between the parties.

6. Contemporaneous with the filing of the parties' cross-motions, plaintiffs will be filing on behalf of all parties a stipulated statement of material facts.

7. For the reasons set forth in the accompanying memorandum of law, defendants motion should be granted and the action dismissed in its entirety.

Dated: May 11, 2007
Albany , New York

s/ Nelson R. Sheingold

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